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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,237	06/25/2004	Mitsuyasu Tamura	SON-2839	7485

23353 7590 06/23/2010

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ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
06/23/2010	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/500,237
Filing Date: June 25, 2004
Appellants: TAMURA ET AL.

Christopher M. Tobin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 17, 2010 ("Brief") appealing from the Office action mailed July 1, 2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1, 3-7, 9-13, and 15-22 are currently pending.

Claims 1, 3, 5-7, 9-13, and 16-22 are rejected.

Claims 4 and 15 are objected to as contained allowable subject matter but dependent upon a rejected base claim.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The rejection of claims 4 and 15 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,765,551 to Nakano et al. in view of U.S. Patent No. 7,042,427 to Inukai has been withdrawn.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

U.S. Patent No. 6,765,551	Nakano et al.	7-2004
U.S. Patent No. 6,774,578	Tanada	8-2004
U.S. Patent No. 6,982,686	Miyachi et al.	1-2006
U.S. Patent No. 7,042,427	Inukai	5-2006

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

A. *Claims 1, 3, 5-7, 9, 13, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,765,551 to Nakano et al. ("Nakano") in view of U.S. Patent No. 7,042,427 to Inukai ("Inukai")*

As to claim 1, Nakano discloses an image display device (Nakano, 80), comprising:

a circuit (Nakano, 10) for generating drive signals from an input image signal;

a plurality of pixels including a light emitting element for emitting light of a predetermined color of red, green or blue by being applied with said drive signal supplied for each color from said circuit;

an adjustment information retrieve means (Nakano, 40, 50) for obtaining information relating to light emission adjustment proportional to a change in color balance of said light emitting elements (Nakano, col. 3, ll. 4-11 and 29-32; see also col. 9, ll. 11-15);

a level adjustment circuit (Nakano, 70) provided in said circuit for changing a level of an RGB signal before divided to said drive signals for respective RGB colors based on said information obtained by said adjustment information retrieve means (Nakano, col. 6, ll. 36-40; see also col. 8, ll. 51-54); and

wherein said level adjustment circuit changes a level of a direct current voltage supplied to said circuit, proportionally to account for the changing color balance of the change in luminance of said light emitting element (Nakano, Figs. 1 and 8).

It is noted that although a liquid crystal display device is illustrated in the above example, Nakano discloses wherein a wide range of matrix-type image display devices may be used, such as an electroluminescent (EL) display device (Nakano, col. 8, ll. 31-35).

Nakano does not disclose expressly wherein:

(1) said adjustment information retrieve means obtains information relating to light emission adjustment proportional to the deterioration of said light emitting element; and

(2) said adjustment information retrieve means and said level adjustment circuit further comprise (a) a plurality of pixels, including pixels of at least each respective RGB color and (b) a detection means for detecting a change value corresponding to the luminance of the plurality of pixels by measuring the voltage between the ends of the light emitting elements.

Inukai discloses a method of maintaining color balance in an EL display, analogous to that of Nakano (Inukai, col. 7, ll. 19-29). Furthermore, Nakano discloses means for obtaining information relating to light emission adjustment proportional to the deterioration of red green and blue light emitting elements and detection means for detecting a change value corresponding to the luminance of the plurality of pixels by measuring the voltage (i.e., current) between the ends of the light emitting elements (Inukai, Abstract; see also col. 7, ll. 19-29).

At the time the invention was made, it would have been obvious to one having ordinary skill in the art to modify the image display device of Inukai such that the display further comprised detection means for obtaining information relating to light emission adjustment proportional to the deterioration of the light emitting element and changing color balance of the display, as taught by Inukai, such that the information was used to change a level of an RGB signal before dividing said drive signals to respective RGB colors based on said information obtained for preventing a changing color balance, as taught by Nakano. The suggestion/motivation for doing so would have been to suppress an unwanted changing color balance in a RGB image display device.

As to claim 13, Nakano discloses a color balance adjustment method of an image display device (Nakano, 80), comprising a plurality of pixels including a light emitting

element for emitting light of a predetermined color of red, green or blue in accordance with an input drive signal, including:

a step of obtaining information relating to light emission adjustment of said light emission element (Nakano, elements 40 and 50; see also col. 3, ll. 4-11 and 29-32; col. 9, ll. 11-15);

a step of changing a level of an RGB signal before dividing said RGB signal into said drive signals of respective RGB colors based on said information on light emission adjustment (Nakano, element 70; see also col. 6, ll. 36-40; col. 8, ll. 51-54); and

a step of generating said drive signals by dividing said RGB signal into the respective colors time-series pixel data and supplying to said pixels corresponding thereto; and

wherein in the step of changing a level of said RGB signal, a level of the direct current voltage is supplied to a circuit for performing signal processing on an image signal and generating said drive signals, proportionally to the change in luminance of said light emitting element (Nakano, Figs. 1 and 8).

It is noted that although a liquid crystal display device is illustrated in the above example, Nakano discloses wherein a wide range of matrix-type image display devices may be used, such as an electroluminescent (EL) display device (Nakano, col. 8, ll. 31-35).

Nakano does not disclose expressly wherein the obtaining information step and said changing step include detecting a changing value corresponding to the luminance of the plurality of pixels by measuring the voltage between the ends of the light emitting elements. However, Nakano is modified by Inukai in the same manner and for the same reasons set forth in the rejection of claim 1 above. Thus, examiner respectfully submits that Nakano and Inukai taken collectively read on the claimed limitations.

As to claim 3, Nakano discloses a D/A converter (Nakano, 50) for performing digital-analog conversion on said RGB signal; wherein said adjustment information retrieve means (Nakano, 40, 50) retrieves said information relating to changes over time for each of RGB colors (e.g., changing digital values); and said level adjustment circuit (Nakano, 70) changes a reference voltage to be supplied to said D/A converter based on said information of respective RGB colors obtained by said adjustment information retrieve means (Nakano, Fig. 8).

As to claim 5, Nakano discloses wherein a control signal input to said level adjustment circuit (e.g., 70 and digital/analog conversion switches) for changing a level of said direct current voltage is in common with a sample hold signal for controlling said data holding circuit (Nakano, 60) (e.g., implicitly suggested for the purposes of avoiding an overflow/underflow of data at the output circuit 60) (Nakano, Fig. 8).

As to claim 6, Nakano discloses wherein a control signal input to said level adjustment circuit (e.g., 70 and digital/analog conversion switches) for changing said direct current voltage is a signal in synchronization with a sample hold signal for controlling said data holding circuit (60) (e.g., implicitly suggested for the purposes of avoiding an overflow/underflow of data at the output circuit 60) (Nakano, Fig. 8).

As to claims 7 and 16, Nakano discloses wherein said adjustment information retrieve means and said level adjustment circuit comprises a memory means for storing correspondence of said changing value and a level adjustment amount of said RGB signal (e.g., implicitly suggested for selecting a predetermined reference voltage level in accordance with the gray scale level of a 6-bit data signal for each color of RGB) (Nakano, Fig. 8).

As to claims 9 and 18, note the discussion of Nakano above with respect to claims 1 and 13. Nakano discloses wherein said light emitting element is an electroluminescence light emitting element (EL) (Nakano, col. 8, ll. 31-35). Nakano does not disclose expressly wherein the light emitting element is an organic EL. However, the examiner takes Official Notice that the use of organic ELs as light emitting elements in a matrix-type image display device is old and well known in the art (e.g., see Inukai). Because ELs or organic ELs can be used in a matrix-type image display device, it would have been obvious to one skilled in the art to substitute one type of light emitting element for the other to achieve the predictable result of selectively displaying display data by controlling the brightness of the light emitting elements.

B. *Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,765,551 to Nakano in view of U.S. Patent No. 7,042,427 to Inukai as applied to claims 1, 3, 5-7, 9, 13, 16, and 18 above, and further in view of U.S. Patent No. 6,774,578 to Tanada ("Tanada")*

As to claim 17, neither Nakano nor Inukai disclose expressly wherein the step of retrieving information relating to said light emission adjustment includes a step of counting an accumulated light emission time of the pixels; and a step of determining a level adjustment amount of said RGB signal from the current accumulated light emission time of the pixels based on the correspondence of said accumulated light emission time and the level adjustment amount of said RGB signal obtained in advance.

Tanada discloses an image display device in Figure 18 comprising a step of retrieving information relating to light emission adjustment including a step of counting an accumulated light emission time of the pixels; and a memory means for storing correspondence of said accumulated light emission time and a level adjustment value of a video signal (Tanada, col. 4, l. 54 – col. 5, l. 4).

At the time the invention was made, it would have been obvious to person of ordinary skill in the art to further modify the teachings of Nakano and Inukai such that the adjustment information retrieve means and said level adjustment circuit comprise a clocking means for counting an accumulated light emission time of the pixels and a memory means for storing correspondence of said accumulated light emission time and a level adjustment value of a video signal, as taught/suggested by Tanada, wherein the video signal is an RGB video signal, as previously discussed by Nakano. The suggestion/motivation for doing so would have been to correct degradation of an image display device. (Tanada, col. 4, l. 54 – col. 5, l. 4).

C. *Claims 10-12 and 19-22 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,765,551 to Nakano in view of U.S. Patent No. 6,982,686 to Miyachi et al. ("Miyachi").*

As to claims 10 and 19, Nakano discloses an image display device (Nakano, 80), comprising: a circuit (Nakano, 10) for generating drive signals from an input image signal; and a plurality of pixels including a light emitting element for emitting light of a predetermined color of red, green or blue by being applied with said drive signal supplied for each color from said circuit; and wherein said circuit comprises a level adjustment circuit (Nakano, 70) for changing a level of an RGB signal before divided the RGB signal is divided to said drive signals for the respective RGB colors (Nakano, Figs. 1 and 8.) It is noted that although a liquid crystal display device is illustrated in the above example, Nakano discloses wherein a wide range of matrix-type image display devices may be used, such as an electroluminescent (EL) display device (Nakano, col. 8, ll. 31-35).

Nakano does not disclose expressly wherein said circuit comprises a motion detection circuit for detecting motions by said image signal; wherein said level adjustment circuit changes a level of an RGB signal based on a result of the motion detection obtained from said motion detection circuit; and wherein said circuit comprises

a duty ratio adjustment circuit for changing the duty ratio of a light emission time of said pixels based on the motion detection result.

Miyachi discloses a liquid crystal display comprising: a motion detection circuit for detecting motions of an image signal; a level adjustment circuit for changing a luminance level of EL elements based on a result of the motion detection obtained from the motion detection circuit; and a duty ratio adjustment circuit for changing the duty ratio of the light emission time of the EL elements based on the motion detection result (Miyachi, Figs. 37-41; see also col. 43, l. 67 – col. 44, l. 9; col. 45, ll. 50-53).

All of the component parts are known in Nakano and Miyachi. The only difference is the combination of the "old elements" into a single device by incorporating them into a single image display device. Thus, it would have been obvious to one having ordinary skill to include the motion detection means and duty ratio adjustment means taught by Miyachi into the EL display device taught by Nakano, since the operation of the motion detection means and duty ratio adjustment means are in no way dependent on the operation of the other elements of the liquid crystal display device, and motion detection means with duty ratio adjustment means could be used in combination with an EL display device to achieve the predictable results of improved display quality.

Neither Nakano nor Miyachi disclose expressly wherein the plurality of pixels each comprise a light emission control circuit whereby once the pixel receives a drive signal, the light emitting element continues to draw on a voltage source so long as the light emission control circuit receives a signal from the duty ratio adjustment circuit.

However, the examiner takes Official Notice that the use of transistors (i.e., light emission control circuit) as switches in a pixel to control how long a light emitting element continues to draw on a voltage source is old and well-known in the art. Furthermore, examiner respectfully submits that it would have been within the purview of one having ordinary skill in the art to modify the references such that the transistor, for

controlling how long a light emitting element continues to draw on a voltage source, received a signal from the duty ration adjustment circuit. Examiner respectfully submits that such a modification would have been obvious because it is old and well-known in the art that a transistor in a pixel can control how long a light emitting element continues to draw on a voltage source for illumination, and the disclosure of Miyachi suggests that the duty ratio adjustment circuit is concerned with controlling the duration of light emission for the light emitting element. Thus, the effect of the duty ratio adjustment circuit in Miyachi may be realized in an active matrix EL display device through the implementation of transistors in each pixel, as one of ordinary skill in the art would appreciate.

As to claims 11 and 20, Nakano as modified by Miyachi discloses wherein said level adjustment circuit (Nakano, 70) changes a level of a direct current voltage supplied from a circuit block in said circuit and proportional to luminance of said light emitting element (Nakano, Fig. 1).

As to claims 12 and 22, Nakano as modified by Miyachi discloses wherein said light emitting element is an electroluminescence light emitting element (EL) (Nakano, col. 8, ll. 31-35). Nakano does not disclose expressly wherein the light emitting element is an organic EL. However, the examiner takes Official Notice that the use of organic ELs as light emitting elements in a matrix-type image display device is old and well known in the art. Because ELs or organic ELs can be used in a matrix-type image display device, it would have been obvious to one skilled in the art to substitute one type of light emitting element for the other to achieve the predictable result of selectively displaying display data by controlling the brightness of the light emitting elements.

As to claim 21, Nakano as modified by Miyachi discloses a holding step for holding for the respective RGB colors time-series pixel data composing said RGB signal when generating said driving signals; wherein, in the step of changing a level of said RGB signal, by changing the level of said direct current voltage for necessary times based on information obtained from said adjustment information retrieve means at a timing where pixel data of a different color is input to said holding step, a level of said drive signal of at least one color is adjusted (Nakano, Fig. 1).

(10) Response to Argument

A. Applicant argues the following with respect to claim 1 (Brief 20:13-15):

> [t]here is ***no mention of*** a level adjustment circuit provided in said circuit, for changing a level of an RGB signal ***before*** dividing said drive signals to respective RGB colors based on said information obtained by said adjustment information retrieve means in Nakano '551.

This argument is similar to those presented on pages 19, 20, 24, 25, and 34 of the Brief and will be addressed together. Examiner respectfully disagrees. At the outset, examiner has relied upon the reference voltage generation circuit 70 of Nakano to teach the limitation "a level adjustment circuit" and the D/A converter 50 and the hold memory 40 of Nakano to teach the limitation "an adjustment information retrieve means," as claimed.

Nakano discloses wherein reference voltage generation circuit 70 provides 64 reference voltage lines L1-L64 to the D/A converter 50 (Nakano, Fig. 1). Using the reference voltages provided by reference voltage generation circuit 70, "[t]he D/A converter 50 selects a reference voltage level in accordance with the gray scale level of a 6-bit data signal for each color of RGB...and converts the selected reference voltage level into an analog signal to be output" (Nakano, col. 6, ll. 24-30). Examiner respectfully submits that the reference voltage generation circuit 70 therefore changes a level of an RGB signal based on information obtained (*i.e.,* gray scale level of a 6-bit data signal) by the D/A converter 50, as claimed.

Furthermore, ***after*** the reference voltage generation circuit 70 changes a level of an RGB signal, the output circuit 60 "outputs the resultant analog signals as driving voltages to the data lines coupled to the respective output nodes" (Nakano, col. 6, ll. 39-41). Thus, Nakano clearly discloses that the reference voltage generation circuit 70 changes a level of an RGB signal ***before*** dividing said driving signals to respective RGB colors (*i.e.*, the resultant analog signals that are output to the data lines as articulated by Nakano at col. 6, ll. 39-41).

For the purposes of claim interpretation, examiner has interpreted the limitation of changing a level of an RGB signal "before dividing said drive signals to respective RGB colors" to encompass Nakano's disclosure of changing a level of an RGB signal before ***physically*** dividing said driving signals to respective RGB colors ***across the data lines***. In other words, the ***division*** in Nakano occurs at the output of output circuit 60 when the driving signals are ***divided*** amongst the data lines (*see* Nakano, col. 6, ll. 39-41).

Applicant appears to disclose in Figure 9 of the instant application wherein the RGB signal is ***time divided*** from serial to parallel data, *i.e.*, step (B) to step (C). However, examiner respectfully submits that the claims are absent any language that would require the claimed limitation "before divided" to be interpreted as ***time division***. Furthermore, the claims are absent any language that would preclude the Office action's interpretation of "before divided" to encompass ***physical division*** amongst the data lines, as disclosed by Nakano.

B. As to claim 13, applicant argues that "there is ***no mention*** of generating said drive signals by dividing said RGB signal into the respective colors time-series pixel data" (Brief 25:3-4). Most of this argument has already been addressed with respect Nakano in the preceding paragraphs. However, as to the limitation "time-series pixel data," examiner respectfully submits that prior to the ***physical division*** of the RGB signal amongst the data lines, the RGB signal is time-series pixel data, *e.g.*, DATA in Figure 3

being sampled into memory 3, etc. Thus, Nakano discloses "generating said drive signals by dividing said RGB signal into the respective colors time-series pixel data," as claimed. This is similar in concept to Figure 9 of applicant's disclosure, as detailed above, in that the RGB signal is time-series pixel data before being divided.

C. Applicant argues that Inukai does not disclose changing "a level of a direct current voltage supplied to said circuit, ***proportionally*** to account for the deterioration of a luminance of said light emitting element" (Brief 21:24-26).

However, examiner respectfully submits that it is Nakano and Inukai taken collectively that disclose this limitation. For example, Nakano discloses changing a level of a direct current voltage supplied to said circuit ***proportionally*** to account for color balance deviation (*see* Nakano, col. 8, ll. 43-54). Examiner respectfully submits that this teaching of Nakano implicitly suggests that the changing a level of a direct current voltage supplied to said circuit is ***proportional*** since it is a correction value corresponding to a color balance deviation.

Furthermore, Inukai discloses maintaining color balance to account for the deterioration of a display light emitting element (*see* Inukai, col. 7, ll. 19-29). Thus, under the proposed combination articulated above in the discussion of claim 1, examiner respectfully submits that the references taken collectively suggest changing a level of a direct current voltage supplied to said circuit, proportionally (*e.g.*, as taught by Nakano) to account for the deterioration of a luminance of said light emitting element (*e.g.*, as taught by Inukai), as claimed. The suggestion/motivation for doing so would have been to maintain a color balance, as one of ordinary skill in the art would appreciate from the common goals of both Nakano and Inukai.

D. Applicant argues the following with respect to claim 1 (Brief 23:12-15):

> [t]here is ***no mention*** [in Inukai] of an adjustment information retrieve means for obtaining information relating to light emission adjustment proportional to the deterioration of said light emitting element and a detection means for detecting a changing value corresponding to the luminance of the plurality of pixels by measuring the voltage between the ends of the light emitting elements.

This argument is similar to those presented on page 27 of the Brief and will be addressed together. Examiner respectfully disagrees. Inukai discloses the following (Abstract, ll. 6-15):

> ***A driving current of the OLED of a pixel portion is measured***, and a value of the voltage supplied to the pixel portion from a variable power supply is ***corrected*** such that the measured driving current has a reference value. When the driving current of the OLED is measured, a monitor video signal of a different system from that of a video signal for displaying an image is used to display a monitor image on the pixel portion. With the above-described structure, ***a reduction of the luminance accompanied with the deterioration of the organic light emitting layer can be suppressed***. (emphasis added)

Thus, examiner respectfully submits that Inukai is a fair teaching that the deterioration of a light emitting element can be reduced by measuring a current across the light emitting element and obtaining a correction value for driving the light emitting element with a corrected value to compensate for deterioration (Inukai, Abstract). More specifically, the claimed limitations corresponding to "obtaining information relating to light emission adjustment proportional to the deterioration of said light emitting element" and "detecting a changing value corresponding to the luminance of the plurality of pixels by measuring the voltage between the ends of the light emitting elements" corresponds to the measurement of current across the light emitting elements in Inukai to correct for varying currents caused by deterioration of the light emitting elements.

E. Applicant argues that Inukai does not disclose certain claimed features such as "changing a level of an RGB signal ***before*** dividing said RGB signal," etc. (Brief 25:27-28). However, examiner respectfully submits that Inukai was not relied upon to disclose

these limitations, but rather Nakano was relied upon as discussed in the preceding paragraphs.

F. Similarly, applicant argues that Miyachi does not disclose certain claimed features such as "changing a level of an RGB signal ***before*** the RGB signal is divided" (Brief 32:14-16). However, examiner respectfully submits that Miyachi was not relied upon to disclose these limitations, but rather Nakano was relied upon as discussed in the preceding paragraphs.

G. Applicant argues that Miyachi does not disclose wherein each pixel comprises "a light emission control circuit whereby once the pixel receives a drive signal, the light emitting element continues to draw on a voltage source so long as the light emission control circuit receives a signal from the duty ratio adjustment circuit" (Brief 33:13-16). Examiner acknowledged this deficiency in Miyachi and subsequently took Official Notice as articulated at pages 9 and 10 of the final Office action mailed July 1, 2009, and as repeated in the rejection of claims 10 and 19 above.

H. Applicant argues that Nakano does not disclose changing "a direct current voltage supplied to a circuit block in a circuit ***for*** performing signal processing on an image signal ***and*** generating said drive signals, ***and*** proportional to luminance of said light emitting element is changed" (Brief 21:24-26).

Examiner respectfully disagrees. For example, Nakano discloses changing a level of a direct current voltage supplied to said circuit ***proportionally*** to account for color balance deviation (*see* Nakano, col. 8, ll. 43-54). Examiner respectfully submits that this teaching of Nakano implicitly suggests that the changing a level of a direct current voltage supplied to said circuit is ***proportional*** since it is a correction value

corresponding to a color balance deviation, *i.e.*, changing luminance. Thus, Nakano discloses the above limitations.

E. Applicant argues that Tanada does not disclose certain claimed features such as "changing a level of an RGB signal ***before*** dividing said RGB signal," etc. (Brief 37:1-6). However, examiner respectfully submits that Tanada was not relied upon to disclose these limitations, but rather Nakano was relied upon as discussed in the preceding paragraphs.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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